



MINISTRY OF FINANCE OF UKRAINE

ORDER

April 9, 2015

Kyiv

No. 407

Registered with the Ministry of Justice of Ukraine
on April 29, 2015 under 480/26925

On Approving the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the State Commission for Regulation of Financial Services Markets of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction

Pursuant to Clauses 6, 7, and 15, Part 2, Article 14, Clause 4, Part 1 and Clause 15, Part 2, Article 18 of the Law of Ukraine "On Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction", Sub-Clause 5, Clause 4 of the Provision on the Ministry of Finance of Ukraine approved by the Cabinet of Ministers of Ukraine Resolution of August 20, 2014, No. 375 and with the aim of enhancing the efficiency of supervising the primary financial monitoring subjects' compliance with the requirements of the legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction

I HEREBY ORDER:

1. Approve the attached Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the State Commission for Regulation of Financial Services Markets of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction.

2. Declare null and void the Ministry of Finance of Ukraine Order of April 2, 2013, No. 440 "On Approving the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the State Commission for Regulation of Financial Services Markets of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism" registered with the Ministry of Justice of Ukraine on April 22, 2013 under No. 658/23190.

3. The Department of Tax, Customs Policy, and Accounting Methodology of the Ministry of Finance of Ukraine (Chmeruk M.O.) and the Department for Coordination of the Financial Monitoring System of the State Financial Monitoring Service of Ukraine (Hayevskiy I.M.) shall duly ensure:

submittal of this order for state registration to the Ministry of Justice of Ukraine;

publication of this order.

4. This order shall become effective on the day of its official publication.

5. Control of this order implementation shall be imposed on the Deputy Head of the State Financial Monitoring Service of Ukraine, Kovalchuk A.T.

Acting Minister

I. Umanskyi

CONCURRED:

**Head of the State Financial Monitoring Service
of Ukraine**

I. Cherkaskyi

APPROVED
Ministry of Finance of Ukraine Order
of April 9, 2015, No. 407

**Procedure
for Exchange of Information between the State Financial Monitoring Service of Ukraine and
the State Commission for Regulation of Financial Services Markets of Ukraine to Enhance the
Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the
Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of
Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass
Destruction**

I. General provisions

1. This Procedure has been developed pursuant to Clauses 6, 7, and 15, Part 2, Article 14, Clause 4, Part 1 and Clause 15, Part 2, Article 18 of the Law of Ukraine "On Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction".

2. This Procedure establishes the scope and procedure for exchange of information between the State Financial Monitoring Service of Ukraine (hereinafter "the SFMSU") and the state financial monitoring subject – the State Commission for Regulation of Financial Services Markets of Ukraine (hereinafter "the SCRFSMU") to enhance the efficiency of supervision of compliance with the requirements of the legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction of the primary financial monitoring subjects (hereinafter "the Subjects"), supervised by the State Commission for Regulation of Financial Services Markets of Ukraine.

II. Information Submitted by the State Financial Monitoring Service of Ukraine

1. The State Financial Monitoring Service of Ukraine shall submit information to the State Commission for Regulation of Financial Services Markets of Ukraine on the efficiency of measures taken by the Subjects supervised by the State Commission for Regulation of Financial Services Markets of Ukraine with the aim of preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, namely:

statistical data on financial transactions subject to financial monitoring received by the State Financial Monitoring Service of Ukraine from the Subjects;

statistical data on the errors made by the Subjects when submitting information on the financial transactions subject to financial monitoring;

information on the accounting status of the Subjects with the State Financial Monitoring Service of Ukraine;

information on the facts detected by the State Financial Monitoring Service of Ukraine that may evidence violation by the Subjects of the legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction;

information on the protocols drawn by the State Financial Monitoring Service of Ukraine on the administrative offenses committed by the Subjects' officials and the results of their review;

information on the State Financial Monitoring Service of Ukraine analyses of methods and financial schemes used for legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction.

2. Data containing restricted-access information shall be provided in the cases and in accordance with the procedure set forth in the legislation.

3. Information between the State Financial Monitoring Service of Ukraine and the State Commission for Regulation of Financial Services Markets of Ukraine shall be exchanged complying with the measures that preclude unauthorized access to information or documents during their submittal with due regard for the legislative limitations.

4. The information submitted by the State Financial Monitoring Service of Ukraine to the State Commission for Regulation of Financial Services Markets of Ukraine shall be used by it solely for work-related purposes when supervising the Subjects' compliance with the legislation and shall not be disclosed.

III. Information Submitted by the State Commission for Regulation of Financial Services Markets of Ukraine

1. The State Commission for Regulation of Financial Services Markets of Ukraine shall submit information to the State Financial Monitoring Service of Ukraine on the Subjects' compliance with the legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, namely:

information on detected violations by the Subjects of legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction and measures taken to address them;

summarized information on compliance by the Subjects, whose state regulation and supervision is effected by the State Commission for Regulation of Financial Services Markets of Ukraine, with legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, including on detected violations and measures taken to address them;

information (if available) on seizing the activities of the primary financial monitoring Subjects, whose state regulation and supervision is effected by the State Commission for Regulation of Financial Services Markets of Ukraine.

2. The State Commission for Regulation of Financial Services Markets of Ukraine and the State Financial Monitoring Service of Ukraine shall exchange information observing the provisions of Clauses 2-4, Section II of this Procedure.

IV. Information Submittal Deadlines

1. The State Commission for Regulation of Financial Services Markets of Ukraine shall submit specified information to the State Financial Monitoring Service of Ukraine:

pursuant to paragraph 2, Clause 1, Section III of this Procedure – on a quarterly basis before the 15th of the month following the reported quarter;

pursuant to paragraph 3, Clause 1, Section III of this Procedure – on a yearly basis no later than January following the reported year;

pursuant to paragraph 4, Clause 1, Section III of this Procedure – on a quarterly basis before the 15th of the month following the reported quarter.

2. The State Financial Monitoring Service of Ukraine shall submit specified information to the State Commission for Regulation of Financial Services Markets of Ukraine:

pursuant to paragraph 2-4, Clause 1, Section II of this Procedure – on a quarterly basis before the 20th of the month following the reported quarter;

pursuant to paragraph 5, Clause 1, Section II of this Procedure – within a month of detecting such facts;

pursuant to paragraph 6, Clause 1, Section II – within three work days after submitting the protocol to the court and receiving information from it on the results of the administrative offense case review;

pursuant to paragraph 7, Clause 1, Section II of this Procedure – on a yearly basis before March 1st of the year following the reported one.

**Director of the Department of Tax, Customs
Policy, and Accounting Methodology**

M.O. Chmeruk

**Director of the Department for Development of
Financial Services Markets and International
Cooperation**

A. A. Sydorenko